

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

LANCASTER COMPOSITE, INC.,  
Plaintiff,

v.

Civil Action No. 04-1414 SLR

HARDCORE COMPOSITES OPERATIONS, LLC  
and W. SCOTT HEMPHILL,  
Defendants.

**PLAINTIFF LANCASTER COMPOSITE, INC.'S INITIAL DISCLOSURES  
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(a)(1)**

Plaintiff Lancaster Composite, Inc. ("Lancaster Composite") submits the following as its initial disclosures required under Federal Rule of Civil Procedure 26(a)(1).

**I. IDENTITIES OF INDIVIDUALS LIKELY TO HAVE KNOWLEDGE OF DISCOVERABLE  
INFORMATION THAT MAY BE USED TO SUPPORT LANCASTER COMPOSITE'S CLAIMS**

- Robert H. Greene, President, Lancaster Composite
- W. Scott Hemphill, Jeff Pote, and other representatives of Hardcore Composites Operations, LLC ("Hardcore"), including its corporate officers, engineers and technical personnel
- Steve Shannon and other representatives of AIM Associates, sales representative for Hardcore
- Representatives of Coastline Composites, Inc., sales representative for Hardcore
- Bryan Maphis and other representatives of Seaward, a division of Trelleborg Engineered Products, Inc.
- Representatives of owners, designers, engineers and contractors for each of the construction projects represented by the bids attached as Exhibits B through F to Lancaster Composite's Complaint in this matter
- Other owners, designers/engineers and contractors involved in the sale, offering for sale or installation of Hardcore's composite-filled hollow structures which infringe upon one or more Lancaster Composite's patents, as revealed during discovery in this matter

**II. DOCUMENTS AND THINGS IN THE POSSESSION OF COUNSEL OR LANCASTER COMPOSITE THAT MAY BE USED TO SUPPORT LANCASTER COMPOSITE'S CLAIMS**

- '889 Patent, as well as the assignment of the patent to Lancaster Composite
- '594 Patent, as well as the assignment of the patent to Lancaster Composite
- Claims chart comparing the claims of the '889 Patent and '594 Patent against Hardcore products
- Hardcore bids offering for sale its infringing products, attached as Exhibits B through F of Lancaster Composite's Complaint in this matter
- Photographs of Hardcore's infringing products taken in April, 2003 on the docks of the Belmar Municipal Marina Project
- Hardcore's sales and marketing information
- Correspondence between Hardcore and Lancaster Composite regarding Lancaster Composite's claims of patent infringement
- Pleadings from previous action of *Lancaster Composite, Inc. v. Hardcore Composite Operations, LLC*, indexed in this Court at Civil Action No. 03-840, regarding Lancaster Composite's earlier claims of patent infringement

**III. IDENTITY OF EXPERTS AND THEIR OPINIONS**

- Douglas F. Suess, P.E., Executive Vice President of Whitney Bailey Cox & Magnani, LLC – Dr. Suess will testify, consistent with his affidavit, that he is familiar with the Hardcore composite tubular pilings and familiar with Lancaster Composite's '889 and '594 Patents, and that Hardcore's composite tubular pilings infringe Lancaster Composite's patents.

**IV. INSURANCE AGREEMENTS IN FORCE**

Not applicable to Lancaster Composite

**V. STATEMENT OF THE BASIS FOR ANY DAMAGES**

- Lancaster Composite seeks loss of profits from any sales made by Hardcore of its infringing products
- Lancaster Composite seeks damages for price erosion and reputational damages as a result of Hardcore's sales or offers of sales of its infringing products

SEITZ, VAN OGTROP & GREEN, P.A.

Dated: February 15, 2005

By: 

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